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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 10-0388-RMW
15 Plaintiff,) STIPULATION AND []
16 v.) ORDER EXCLUDING TIME FROM JULY
17 ARTURO ROCHA-NAREZ ,) 12, 2010 TO AUGUST 12, 2010 FROM
18 Defendant.) THE SPEEDY TRIAL ACT
19 _____) CALCULATION (18 U.S.C. §
3161(h)(8)(A))

20 On July 12, 2010, the parties appeared for a hearing before this Court. At that hearing,
21 the government and defense requested an exclusion of time under the Speedy Trial Act based
22 upon the defense counsel's need to effectively prepare by reviewing discovery materials
23 submitted by the government and the need to jointly negotiate a resolution in this matter. At that
24 time, the Court set the matter for a hearing on August 12, 2010.

25 The parties stipulate that the time between July 12, 2010, and August 12, 2010, is
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).

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5 DATED: August 2, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

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/s/
DAVID M. PAXTON
Assistant United States Attorney

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10 /s/
11 MARY E. CONN
Attorney for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between July 12, 2010, and August 12, 2010, is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 9/9/10

Ronald M. Whyte
RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE